

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
ZONEPERFECT NUTRITION	)	
COMPANY,	)	
Plaintiff and Counterclaim Defendant	)	
	)	
v.	)	CIVIL ACTION NO: 04-10760 RGS
	)	
HERSHEY FOODS CORPORATION,	)	
HERSHEY CHOCOLATE &	)	
CONFECTIONERY CORPORATION,	)	
DR. BARRY D. SEARS, and	)	
ZONE LABS, INC.,	)	
Defendants and Counterclaim Plaintiffs	)	
_____	)	

**DEFENDANTS BARRY D. SEARS AND ZONE LABS, INC.'S  
MOTION FOR IMPOUNDMENT**

Dr. Barry D. Sears ("Dr. Sears") and Zone Labs, Inc. ("Zone Labs") hereby request an Order impounding the following materials:

**Exhibit A to the Sears Defendants' Motion For Reconsideration**

As grounds for this motion, Dr. Sears and Zone Labs state as follows:

1. On May 28, 2004, the Parties filed with the Court an Assented-To Motion for a Protective Order.
2. The material referenced above refer to documents and deposition testimony that the parties have identified as "confidential" or "highly confidential" pursuant to the Protective Order.
3. Paragraph 12 of the Protective Order requires any party seeking to file confidential materials to move pursuant to Local Rule 7.2 to have the Court impound such papers.

WHEREFORE, Dr. Sears and Zone Labs respectfully request that this Court impound the Exhibit A to the Sears Defendants' Motion For Impoundment, and separately maintain the paper in a sealed envelope on which shall be endorsed the titled to this action, an indication of the nature and contents of such sealed envelope and the following statement:

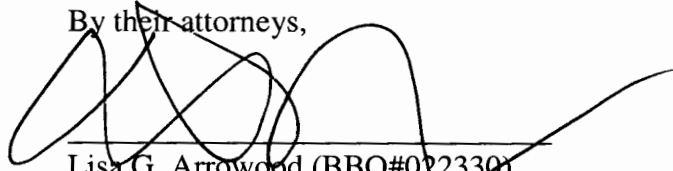
RESTRICTED. THIS ENVELOPE [OR CONTAINER] CONTAINS CONFIDENTIAL OR HIGHLY CONFIDENTIAL INFORMATION AND IS NOT TO BE OPENED NOR THE CONTENTS TO BE DISPLAYED OR REVEALED EXCEPT BY ORDER OF THE COURT OR CONSENT OF THE PARTIES.

Dr. Sears and Zone Labs further request that if this Motion for Impoundment is denied, the Clerk return the materials, in its sealed container, to Dr. Sears and Zone Labs.

Respectfully submitted,

BARRY D. SEARS  
and ZONE LABS, INC.

By their attorneys,

A large, stylized handwritten signature in black ink, appearing to be 'Lisa G. Arrowood', written over a horizontal line.

Lisa G. Arrowood (BBO#022330)

Ian Crawford (BBO#544475)

Edward Foye (BBO#562375)

David H. Rich (BBO#634275)

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DATED: August 18, 2004